

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1561 of 1984

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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RAVAJIBHAI B RATHOD

Versus

BABULAL @ KARSANDASJI GURU  
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Appearance:

MR ND NANAVATI for Petitioner  
MR TV SHAH for respondents  
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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 11/02/2000

ORAL JUDGEMENT

1. This is a revision under section 115, CPC, at the instance of the original plaintiff, who had sued the respondents-defendants, by challenging a decree for eviction passed by the rent court in their favour and against the father of the petitioner plaintiff. In the said suit the petitioner plaintiff had prayed for interim relief restraining the defendants-decree holders from executing the decree passed in the said suit. The trial court had granted interim relief and had, by order passed

below Exh.5, stayed the execution of the possession warrant issued in Regular Darkhast No.113/80 (for execution of the decree passed in the Regular Civil Suit No.324/76). The defendant decree holder then preferred an appeal under Order 43, Rule 1, which was allowed and the order passed by the trial court below Exh.5 was vacated. The plaintiff of the said suit, therefore, filed the present revision.

2. It is relevant to note that this revision arises from an order below Exh.5 passed in a suit of the year 1981. The suit has not been stayed at any stage by any order either of the lower appellate court or by this court. It is, therefore, highly probable that the same must have been disposed of by now. In any case, if the said suit has not been disposed of so far, the trial court viz. the Third Joint Civil Judge (Senior Division), Junagadh is directed to dispose of Regular Civil Suit No.241/81 as expeditiously as possible and in any case not later than 30th April 2000. It is clarified that in case the said suit has not been disposed of and is still pending, the earlier interim order passed by this court in the present revision dated 16th November 1984 shall continue to operate on the same terms and conditions.

3. The present revision is accordingly disposed of. Rule is discharged with no order as to costs. Subject to the above direction interim relief stands vacated.

4. The registry is directed to send a copy of this order to the trial court forthwith i.e. not later than 18th February 2000. D.S. also permitted.

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